

UNITED STATES DISTRICT COURT
for the

EASTERN District of CALIFORNIA

United States of America)	
v.)	
DANIEL MARTINEZ SANDOVAL)	Case No: 1:02CR005094-002
)	USM No: 60509-097
Date of Previous Judgment: 05/21/2003)	David Porter, Asst. Federal Defender
(Use Date of Last Amended Judgment if Applicable))	Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 144 months **is reduced to** 138 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>29</u>	Amended Offense Level: <u>27</u>
Criminal History Category: <u>VI</u>	Criminal History Category: <u>VI</u>
Previous Guideline Range: <u>144</u> to _____ months	Amended Guideline Range: <u>130</u> to <u>144</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 05/21/2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: May 22, 2008

/s/ Lawrence J. O'Neill

Judge's signature

Effective Date: _____
(if different from order date)

Lawrence J. O'Neill, U.S. District Judge

Printed name and title